



17 MAR 2008

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of :
Magg et al. :
Application No. 10/587,226 :
PCT No.: PCT/EP04/06928 :
Int. Filing Date: 25 June 2004 :
Priority Date: 30 January 2004 : DECISION
Atty. Docket No.: 2004P00819WOUS :
For: Brewing Chamber For A Coffee :
Machine, And A Coffee Machine :

This is in response to the petition under 37 CFR 1.182 filed on 01 February 2008.

DISCUSSION

In a Decision mailed on 10 December 2007, the declaration filed on 24 July 2006 was not accepted because

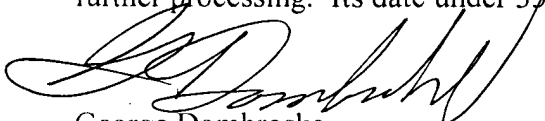
...it nominates "Johann Magg" in place of "MAGG, Johannes" who was named in the published international application. Counsel attributes this discrepancy to a typographical error made during the international phase, and indicates that the spelling appearing on the Declaration document is the correct spelling of the inventor's name...

In response, applicants have filed the instant petition which states that "Mr. Magg's valid first name in Germany is Johann," and attributes the alternative spelling appearing in the published international application to error. Based on the totality of the circumstances present in this case, including petitioner's statements, it would be appropriate to accept the declaration filed on 24 July 2006 as compliant with 37 CFR 1.497(a) and (b).

DECISION

The petition is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **24 July 2006**.


George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459